

Municipal Clerk
Atlanta, Georgia

07-0 -1120
Z-07-63

AN ORDINANCE
BY: ZONING COMMITTEE

AN ORDINANCE AMENDING ORDINANCE 06-O-1072 ADOPTED BY CITY COUNCIL SEPTEMBER 18, 2006, APPROVED BY THE MAYOR SEPTEMBER 26, 2006 REZONING PROPERTY LOCATED AT 547, 553, 559-565 BOULEVARD, N.E. AND 489 BOULEVARD PLACE, N.E. FROM THE RG-4 (RESIDENTIAL GENERAL-SECTOR 4) DISTRICT TO THE MRC-3-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL) DISTRICT SO THAT THE ZONING ORDINANCE OF THE CITY OF ATLANTA BE AMENDED, BE CHANGED SO AS TO DELETE CONDITION 6C.

WHEREAS, Z-06-62 WAS CONDITIONED ON THE REQUIREMENT OF A TRANSITIONAL HEIGHT PLANE BEING REQUIRED ADJACENT TO 489 BOULEVARD PLACE AND THE ABUTTING ALLEY;

AND WHEREAS, AT THE TIME OF THE REZONING 489 BOULEVARD PLACE WAS NOT OWNED BY THE APPLICANT OR INCLUDED IN THE REZONING REQUEST;

AND WHEREAS, 489 BOULEVARD PLACE IS NOW OWNED BY THE APPLICANT AND IS TO BE DEVELOPED AS A PART OF THE DEVELOPMENT APPROVED BY Z-06-62.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Ordinance 06-O-1072 adopted by City Council September 18, 2006, approved by the Mayor September 26, 2006 rezoning property from the **RG-4 (Residential General-Sector 4) District to the **MRC-3-C (Mixed Residential Commercial-Conditional) District** be amended so as to delete condition 6c which reads as follows:**

"Transitional height plane shall be required as measured from the eastern side property lines (perpendicular to Boulevard Place) adjacent to 489 Boulevard Place and the abutting alley."

ALL THAT TRACT or parcel of land lying and being in Land Lot 47 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby waived.